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Attorneys for Defendant American Equity Insurance Company

**IN THE UNITED STATES DISTRICT COURT FOR THE
DISTRICT OF NEW JERSEY**

ALIT (NO. 1) LIMITED, on its own behalf and on behalf of all other members of the Lloyd's Syndicate known as R.A. Stuchbery & Others Syndicate 1096 at Lloyd's, London for the 1998-2001 Years of Account,

Plaintiff,

v.

BROOKS INSURANCE AGENCY, and AMERICAN EQUITY INSURANCE COMPANY,

Defendants.

Civil Case No.: 3:10-CV-02403-MAS-TJB

**DEFENDANT AMERICAN EQUITY
INSURANCE COMPANY'S NOTICE
OF CROSS-APPEAL FROM AND
OBJECTIONS TO JUDGE
BONGIOVANNI'S AUGUST 6, 2012
ORDER (D.I. 97)**

Document Electronically Filed

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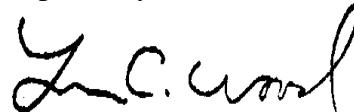
Counsel for Defendant Brooks Insurance Agency

PLEASE TAKE NOTICE that on **Monday, October 1, 2012**, at **10:00 a.m.**, or as soon thereafter as counsel may be heard, Defendant American Equity Insurance Company (“AEIC”) shall appear before the Honorable Michael Shipp, U.S.D.J., at the Clarkson S. Fisher U.S. Courthouse, 402 East State Street, Trenton, New Jersey, and shall appeal this Court, pursuant to Federal Rule of Civil Procedure 72(a) and Local Civil Rule 72.1(c), for an Order reversing and vacating in part the August 6, 2012 Order (D.I. 97) of the Honorable Tonianne J. Bongiovanni, U.S.M.J., finding that certain of AEIC's demands are not relevant within the meaning of Fed. R. Civ. P. 26.

PLEASE TAKE FURTHER NOTICE that, in support of the within Cross-Appeal and AEIC's objections to the subject Order, AEIC shall reply upon its Letter Brief submitted concurrently herewith. A proposed Order is also submitted for the Court's consideration.

PLEASE TAKE FURTHER NOTICE that oral argument is specifically requested.

Respectfully submitted,



By: _____

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Dated: September 17, 2012